

### III. REMARKS

1. Claims 11-18 remain in the application. Claims 1-10, 16, and 18 have been cancelled without prejudice.

2. Applicants respectfully submit that claims 11-15 and 17 are not anticipated by Reil et al. (US 4,034,537, "Reil") under 35 USC 102(b).

2.1 Applicants note that the anticipation rejection of claims 11-13 and 16-18 simply states:

Reil et al. discloses a method and apparatus for packaging in which sealing jaws (61) (see column 7:25-45 and Fig. 7) perform sealing of the package, which is transferred and rotated at least 180 degrees before it is transferred to finish its sealing (see also Fig. 1).

Applicants refer to 37 CFR 1.104(c)(2):

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (Emphasis added)

and MPEP §707:

When considered necessary for adequate information, the particular figure(s) of the drawing(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included.

MPEP §706.07 emphasizes the specificity requirement of 37 C.F.R. § 1.104(c) by stating:

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue

between applicant and examiner should be developed, if possible, before appeal.

Applicants submit that it is unclear which features of Reil the Examiner equates with the elements of the present claims because the elements of the present claims are nowhere recited in the rejection. Applicants fails to see how column 7, lines 25-45 and Figures 1 and 7 relate to any of the features of Applicants claims except for claim 12 which, while not anticipated by Reil, does mention 180 degrees.

As a result, a clear issue between the Applicants and Examiner has not been developed. Applicants request more specificity in the rejection, for example, by citing columns and line numbers in the reference that relate to elements of the present claims.

2.2 Reil fails to disclose or suggest an apparatus to bend a first and a second cross seal of a bag made of a flexible packaging material, towards a sidewall with: first means to orient the first cross seal towards the sidewall (5) of the bag, before it is transferred to the turning means (7), turning means (7) to fix and turn the bag upside down, the turning means (7) comprising a plane (8) onto which the bag is dropped before it is fixed, and second means (6) to orient the second cross seal (1) towards the sidewall (5) of the bag after it has been turned upside down.

2.2.1 Applicants find no disclosure in Reil related to an apparatus to bend a first and a second cross seal of a bag made of a flexible packaging material towards a sidewall. There is no mention of any bending of any cross seals.

2.2.2 Applicants also find no disclosure in Reil related to a first means to orient the first cross seal towards the sidewall of the bag, before it is transferred to the turning means. There is no disclosure related to any means for orienting a cross seal.

2.2.3 In addition, there is no disclosure in Reil related to a turning means to fix and turn the bag upside down, comprising a plane onto which the bag is dropped before it is fixed. The Examiner mentions that the package is "rotated at least 180 degrees before it is transferred to its sealing," but there is nothing about a turning means comprising a plane onto which the bag is dropped before it is fixed.

2.2.4 Furthermore, there is no disclosure in Reil related to a second means to orient the second cross seal towards the sidewall of the bag after it has been turned upside down. There is nothing related to orienting cross seals in Reil.

Applicants note that at least in one embodiment, the apparatus of claim 1 may be located after a packaging machine, for example, after the production of the cross seals and longitudinal seals has been achieved. While Reil discloses a method and apparatus for the continuous manufacture of liquid packaging, Reil does not disclose or suggest any of bending a first and a second cross seal of a bag, a first means to orient the first cross seal, a turning means comprising a plane onto which the bag is dropped before it is fixed, and a second means to orient the second cross seal.

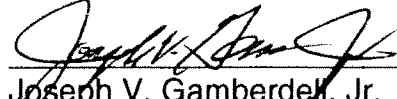
At least for these reasons, Applicants submit that Reil does not anticipate independent claim 11 and dependent claims 12-14.

3. Claim 15 is directed to subject matter similar to that recited by claim 1 and is patentable over Reil for the same reasons argued above. Therefore, claims 15 and 17 are also patentable over Reil.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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24 Jan 2008  
Date

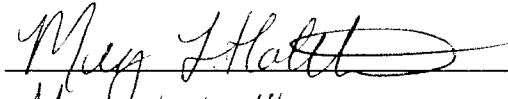
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